

CONTESTED CASES
July 2017

Baptist Memorial Hospital
CN1701-005D

&

Saint Francis Hospital-Bartlett, Inc.
CN1701-004D

Consolidated Docket No.: 25.00-144364J

Baptist Memorial Hospital and Saint Francis Hospital-Bartlett have appealed the *Denial* of their applications for the establishment of a freestanding emergency department in Arlington (Shelby County). Their petitions to intervene in each other's appeals have been granted, as well as Methodist Healthcare's petitions to intervene in both. The cases have been consolidated under Baptist's docket number.

The contested case is scheduled to be held on January 29th - February 2nd, 2018, and February 5th - 9th, 2018.

Brian Jackson and Travis B. Swearingen of Butler Snow represent Baptist Memorial Hospital.

Kim Harvey Looney and John-David H. Thomas of Waller Lansden Dortch & Davis represent Saint Francis Hospital-Bartlett.

Byron Trauger and Paul W. Ambrosius of Trauger & Tuke represent Methodist Healthcare.

Southern Hills Surgery Center
CN1411-047A
Docket No.: 25.00-131649J

***Resolved**

Saint Thomas Campus Surgicare, LP, Baptist Surgery Center, LP, Baptist Plaza Surgicare, LP, Franklin Endoscopy Center, LLC, and Physicians Pavilion, LP had appealed the *Approval* of Southern Hills Surgery Center's application for the relocation and replacement of an ASTC.

Petitioners have voluntarily dismissed the appeal.

Byron Trauger and Paul W. Ambrosius, Esq. of Trauger & Tuke represent the petitioners.

Jerry W. Taylor of Burr & Forman represents Southern Hills Surgery Center.

**HCA Health Services of Tennessee, Inc.
d/b/a TriStar Southern Hills Medical Center
Emergency Department at I-65
CN1412-050D
Docket No.: 25.00-130740J**

TriStar Southern Hills Medical Center has appealed the *Denial* of its application for the establishment of a freestanding emergency department.

The contested case was held on January 9th - 13th, 2017.

An Initial Order was *Denying* the application was issued on May 31, 2017. Petitioner has petitioned the Health Services and Development Agency to exercise its discretion to hear an appeal of the Initial Order. Arguments by the parties as to whether the Agency should hear the appeal will be heard by the Agency at its August 23, 2017 meeting.

Jerry W. Taylor of Burr & Forman represents HCA Health Services of Tennessee, Inc.
d/b/a TriStar Southern Hills Medical Center.

William H. West of Baker, Donelson, Bearman, Caldwell & Berkowitz represents Williamson Medical Center.

Brian Jackson, and Travis B. Swearingen of Butler Snow represent Vanderbilt University Medical Center.

Other

**Tri-Cities Holdings, LLC d/b/a Trex Treatment Center
CON #1303-005D
Docket No.: 25.00-122076J**

Tri-Cities Holdings, LLC d/b/a Trex Treatment Center had appealed the *Denial* of its application for the establishment of a nonresidential substitution-based treatment center for opiate addiction in Johnson City. Tri-Cities Holdings, LLC d/b/a Trex Treatment Center filed a Motion to Dismiss Appeal *without* Prejudice, which may have permitted the revival of the appeal. Agency counsel filed a response seeking dismissal *with* prejudice, which would end the contested case permanently. An Order was entered, dismissing the contested case *with* prejudice.

The Tennessee Supreme Court has upheld the revocation of Mr. Dunlap's permission to represent the petitioner in the contested case.

A ruling is expected in the Federal suit, wherein all parties have filed and argued motions for summary judgment.